

SENATE BILL 1331

By Yager

AN ACT to amend Tennessee Code Annotated, Title 69,
Chapter 3, Part 1, relative to water quality and
permitting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-3-103, is amended by deleting subdivision (31) in its entirety and by substituting instead the following:

(31) "Toxic effluent limitation" means an effluent limitation on those pollutants or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of available information, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations, in such organisms or their offspring, provided however, that any toxic effluent limitation related to selenium shall not be applicable to selenate;

SECTION 2. Tennessee Code Annotated, Section 69-3-105, is amended by adding the following as a new, appropriately designated subsection:

() Notwithstanding any law to the contrary, any water quality criterion established for selenium shall be established solely on the basis of the selenite form of the element.

SECTION 3. Tennessee Code Annotated, Section 69-3-105(a), is amended by adding the following as new, appropriately designated subdivisions:

() Notwithstanding any other provision of this title to the contrary, waters identified as impaired by the commissioner and which appear on the list compiled

by the commissioner pursuant to § 303 of the federal Clean Water Act shall not be considered exceptional or tier 2 waters.

() A discharge shall be deemed de minimis for purposes of any analysis of antidegradation if such discharge improves the condition of such waters or complies with the naturally occurring conditions.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.